

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NEXT DAY MARBLE & GRANITE,
INC. AND NEXT DAY MARBLE &
GRANITE, LLC,

Plaintiffs,

v.

NAVID VARDI; INDEX
FINANCIAL SERVICES, LLC; AND
LOMAS FINANCIAL GROUP LLC,

Defendants.

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CASE NO. 1:20-cv-00669-JEJ

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JURY TRIAL DEMANDED

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JUDGE JOHN E. JONES, III

ENTRY OF DEFAULT

It appearing that an amended complaint was filed in this case on October 13, 2020; that both the summons and original complaint and the amended complaint were duly served upon the defendant, Lomas Financial Group, LLC (“Lomas”), and that no answer or other pleading has been filed by Lomas as required by law;

Therefore, upon Plaintiffs’ request, default is hereby entered against the defendant, Lomas, as provided in Rule 55(a) of the Federal Rules of Civil Procedure.

Peter J. Welsh, CLERK

By _____
Clerk of the Court

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CASE NO. 1:20-cv-00669-JEJ

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JUDGE JOHN E. JONES, III

REQUEST FOR ENTRY OF DEFAULT
PURSUANT TO Fed. R. Civ. P. 55(a)

TO THE CLERK OF THE COURT:

Plaintiffs Next Day Marble & Granite, Inc. and Next Day Marble & Granite, LLC hereby kindly request the Clerk to enter a default against Lomas Financial Group, LLC (“Lomas”) under Rule 55(a) of the Federal Rules of Civil Procedure for Lomas’s failure to plead or otherwise respond to the Amended Complaint served, as supported by the record in this case and the attached Affidavit of Michael Metz-Topodas.

Respectfully submitted,

**COHEN, SEGLIAS, PALLAS,
GREENHALL & FURMAN, P.C.**

By: 

Michael Metz-Topodas

240 North 3rd Street, 7th Floor

Harrisburg, PA 17101

Office: (215) 564-1700

Email: mmetz-topodas@cohenseglias.com

*Attorney for Plaintiffs, Next Day Marble
& Granite, Inc. and Next Day Marble &
Granite, LLC*

Dated: November 18, 2020

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NEXT DAY MARBLE & GRANITE,
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Plaintiffs,

V.

NAVID VARDI; INDEX
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Defendants.

CASE NO. 1:20-cv-00669-JEJ

JURY TRIAL DEMANDED

JUDGE JOHN E. JONES, III

**AFFIDAVIT OF MICHAEL METZ-TOPODAS
IN SUPPORT OF REQUEST FOR ENTRY OF DEFAULT**

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF PHILADELPHIA

SS.:

Michael Metz-Topodas, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court, am associated with the firm of Cohen Seglias Pallas Greenhall and Furman, PC, and represent Plaintiffs Next Day Marble & Granite, Inc. and Next Day Marble & Granite, LLC in the above-captioned action.
2. I am familiar with all the facts and circumstances in this action.

3. I make this Affidavit under Rule 55(a) of the Federal Rules of Civil Procedure and in support of Plaintiffs' application for the Entry of Default against Defendant Lomas Financial Group, LLC ("Lomas").

4. Plaintiffs commenced this action on April 22, 2020 by filing a Summons and Complaint against all defendants, including Lomas.

5. A copy of the original Complaint and Summons was served on Defendant Lomas Financial Group, LLC on May 11, 2020 via personal service at its principal place of business.

6. Pursuant to the Court's Amended Case Management Order entered October 6, 2020 (ECF No. 21), Plaintiffs filed their Amended Complaint on October 13, 2020 (ECF No. 22).

7. As alleged in the Amended Complaint, this Court has subject matter jurisdiction over this action under both 28 U.S.C. § 1331 based on questions of federal law and 28 U.S.C. § 1332(a)(1) based on the parties' diversity of citizenship.

8. A copy of the Amended Complaint was served on Defendant Lomas Financial Group, LLC on October 13, 2020 via regular mail to its principal place of business.

9. Under the Federal Rules of Civil Procedure, Defendant Lomas had until October 30, 2020 to answer, or otherwise respond to, the Complaint, but to date Defendant Lomas has not made any such filing.

10. Defendant Lomas has failed to plead or otherwise defend against the action, and the time for Defendant Lomas to do so under the Federal Rules of Civil Procedure has expired.

11. Federal Rule of Civil Procedure 55(a) provides that when a party “has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.”

I, Michael Metz-Topodas, declare under penalty of perjury that the foregoing facts are true and correct to the best of my information and belief.



Michael Metz-Topodas
*Attorney for Plaintiffs,
Next Day Marble & Granite, Inc. and
Next Day Marble & Granite, LLC.*

Dated: Philadelphia, Pennsylvania
November 18, 2020

Sworn to before me this 18
day of November, 2020.



Commonwealth of Pennsylvania - Notary Seal
Michelle M. Marano, Notary Public
Philadelphia County
My commission expires December 9, 2023
Commission number 1101769
Member, Pennsylvania Association of Notaries

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v.	:	
	:	JURY TRIAL DEMANDED
NAVID VARDI; INDEX	:	
FINANCIAL SERVICES, LLC; AND	:	JUDGE JOHN E. JONES, III
LOMAS FINANCIAL GROUP LLC,	:	
	:	
Defendants.	:	

CERTIFICATE OF SERVICE

Michael Metz-Topodas hereby certifies that a true and correct copy of the foregoing Request for Entry of Default Pursuant to Fed. R. Civ. P. 55(a) of Plaintiffs Next Day Marble & Granite, Inc. and Next Day Marble & Granite, LLC (“Plaintiffs”) was filed with the Clerk of the United States District Court for the Middle District of Pennsylvania using the CM/ECF System and served via the methods noted below on November 18, 2020 upon the following:

Via CM/ECF service, with courtesy copy via email

Mark G. Wendaur IV, Esq.
Wendaur Law, LLC
104 Walnut Street
Harrisburg, PA 17101
mwendaur@wendaur.com
*Counsel for Defendants Navid Vardi and
Index Financial Services, LLC*

Via first class mail, with courtesy copy via email

Lomas Financial Group LLC
14780 Soapstone Drive #401
Gainesville, VA 20155

8801 Sudely Road #3543
Manassas, VA 20110
Defendant



Michael Metz-Topodas
*Attorney for Plaintiffs, Next Day
Marble & Granite, Inc. and Next
Day Marble & Granite, LLC.*

Date: November 18, 2020